HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23178 OF 2007

Dated: 2.11.2007

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Between:

The Divisional Forest Oficer & Others

..Petitioners

And

G. Ramaiah ..Respondent

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23178 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioners seeking to call for the records pertaining to the order dated 24.7.2007 in O.A.No.4139 of 2007 and the proceedings in C.A.No:588 of 2007 on the file of the tribunal and quash the same by holding as erroneous and contrary to law.

The respondent is the applicant. He filed the O.A. seeking to declare the action of the respondents in not considering his case for promotion to the post of Forester as per the Government circular memo No:34633/Ser.C/99, G.A. (Ser. C) Department, dated 4.11.1999 while considering the cases of his far juniors in spite of completion of punishment of actual stoppage of eight increments with cumulative effect by 1.6.2005 as arbitrary and illegal and also declare that he is entitled for promotion to the post of forester from the date of his juniors' promotion with all consequential benefits.

While admitting the O.A., the tribunal has passed an interim order directing the respondents to consider the case of the applicant for promotion to the post of forester as per the Government circular memo No:34633/Ser.C/99, G.A (Ser.C) Department, dated 4.11.1999 and also as per the orders of this Court in W.P.No:1228/2007, dated 14.6.2007 in the existing vacancies. Subsequently, on the ground that the above interim order has not been complied with, the applicant has filed C.A.588 of 2007 wherein the tribunal issued show cause notice on 5.9.2007 as to why C.A. shall not be admitted while posting

the contempt application to 3.10.2007. At this stage, the respondents have preferred the present writ petition.

Heard and perused the material available on record.

After filing of the contempt application, the respondents have preferred the writ petition challenging the show cause notice issued in contempt application as well as the interim order.

Since the order under challenge is a mere notice, the approach of the applicant is a premature one at this stage of the proceedings and apart from that, the opinion, if any expressed by this Court on the interim order passed by the tribunal, may touch the very merits of the main O.A. which is pending before the tribunal.

Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date:2nd November, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23178- OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

02/11/2007

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